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October 26, 2000

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Magalie Roman Salas
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

EX PARTE OR LATE FILED

Re: WT Docket No. 00-48
WT Docket No. 00-110/
CC Docket No. 92-105
Maritel, Inc.
Notice of *Ex Parte* Presentation

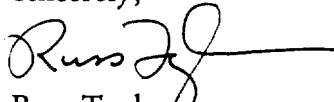
Dear Ms. Salas:

Enclosed are an original and six copies of a summary of an *ex parte* presentation made in connection with the above-referenced FCC rule making proceedings. 47 C.F.R. § 1.1206(b)(1) (1999).

On October 25, 2000, Russell H. Fox, Esq., Russ Taylor, Esq., and Mitchell Hauser, on behalf of Maritel, Inc., met with Scot Stone, James Shaffer, and other staff of the Wireless Telecommunications Bureau, Public Safety and Private Wireless Division. The parties discussed Maritel's position with respect to regulatory issues raised in the above-referenced proceedings. A bulletin summarizing Maritel's position with respect to these matters is enclosed.

Please call me if you have any questions concerning this matter.

Sincerely,


Russ Taylor

Enclosure

AGENDA FOR OCTOBER 25, 2000
MARITEL, INC./ FCC

I. FCC Rule Making Proceeding 00-48

A. Distress Communications

1. FCC should harmonize distress communications requirements. Different sections of Part 80 appear to address the same circumstances.

2. FCC should pre-empt inconsistent state and local distress communications obligations.

(a) Maritel made similar request in Docket No. 00-110 (see below).

(b) The Coast Guard urged the FCC to proceed cautiously on this issue. The Coast Guard is concerned that, in some instances, Maritel could provide land mobile services and would be obligated to provide safety services applicable to terrestrial carriers. Maritel agrees that the FCC should proceed cautiously. However, Maritel believes that even when it provides land mobile service, it would likely not be considered a "covered carrier" subject to E911 obligations (not all CMRS licensees are "covered carriers.")

3. Liability for handling distress communications- WPCSA protections should be extended to Maritel.

4. Automatic switching-agreed by all parties. Coast Guard underscores importance of channel 70 monitoring. Maritel believes that the Coast Guard's concerns are valid. However, the FCC, in a further phase of this proceeding, should specify further VPC obligations for channel 70 calls.

5. Safety watch on channel 16- Coast Guard and Maritel disagree. Maritel believes that it should be primarily the responsibility of the Coast Guard to maintain the channel 16 watch.

(a) Coast Guard should have implemented channel 70 GMDSS system by now.

(b) Maritel should not be penalized because of Coast Guard's failure to do so.

(c) Today, Maritel is exempted from watch in all areas where it provides service. In the future, Maritel should not be inhibited from initiating service in an area because it will be unable to be

exempted. If Maritel is not exempted by rule from maintaining a watch, it may not construct in areas where it is not operating today, a result which does not serve the public interest.

(d) If Maritel is required to seek exemption of watch requirement it will be treated fundamentally differently than all other CMRS licensees, which have no similar obligations.

B. Frequency Assignments

1. Maritel believes that the FCC rules should reference offset channels. The Coast Guard expresses concern with this request, stating that "we do not support that portion which would permit operation of 12.5 kHz centered on existing channel assignments in areas where other licensees also use these channels." Maritel believes the Coast Guard concerns are misplaced. Maritel did not intend to suggest that it would operate a 12.5 kHz channel on a current channel center in any area where it is not the licensee (because of the existence of incumbent licensees). Maritel cannot, by rule, operate on those channels. Mariner use (as opposed to VPC licensee use) of such channels will not affect either other mariners or other VPC licensees.

2. Maritel requests use of additional frequency assignments. Maritel does not object to Coast Guard request that identified frequency be employed on a non-interference basis only.

(a) GMDSS Implementation Task Force seeks similar relief in its comments.

3. Maritel/Coast Guard agreement for the use of VPC channels used to support PAWSS operations-rules need to be harmonized with likely agreement which calls for use of existing channel centers, not offset channels.

C. Technical and Operational Matters.

1. The FCC's rules must be amended to include emission masks and designators for data services and narrowband operations. Without such rule amendments, manufacturers are unable to produce equipment to serve this market.

2. Unattended operations- Maritel urged the FCC to amend its regulations so that non-DSC systems could be operated unattended. The Coast Guard agreed, but suggested that means exist to automatically monitor a site to determine that a transmitter is not continuously keyed,

and there be means to terminate such transmission on a 24 hour, 7 day basis. Maritel concurs in the Coast Guard's suggestion on this issue.

3. Station identification- Maritel urged that the FCC's rules be changed so that station identification need not be employed by geographic area VPC licensees. The Coast Guard expressed concern about mariners being unable to identify a service provider. However, it is the Coast Guard and FCC (the entities to whom the Coast Guard asserts Maritel's proposal should be acceptable) that should be concerned about monitoring for interference purposes, not mariners. The relief Maritel seeks would be consistent with the FCC's approach in the RegioNet decision and with its treatment of other CMRS licensees. In addition, if the purpose of station identification is to determine the site from which transmissions occur, the purpose will not be fulfilled by transmission of station identification because of the size of (and use of multiple transmitters in) a geographic area.

D. Discontinuance of Service

1. Maritel should be able to discontinue service without prior approval by the FCC.

2. Under FCC's rules, Maritel can commence operations almost anywhere. It is illogical that Maritel would be required to seek authority to discontinue service.

3. Requiring Maritel to seek authority to discontinue service would be contrary to regulation of other CMRS licensees.

4. Like channel 16 monitoring, this requirement represents an unnecessary intrusion by the Coast Guard into Maritel's commercial judgement.

5. The Coast Guard is incorrect in its assertion that the FCC's rules require mariners to carry radios compatible with VHF coast stations, and that such requirement favors retention of the rule against discontinuance of service without permission. First, there is no requirement for the majority of mariners to carry VHF equipment at all. Second, the purpose of such carriage requirement is for mariners to be able to reach the Coast Guard and other mariners, not public coast operators.

II. Maritel Petition for Reconsideration or Clarification

A. Filed in Dockets No. 92-105 and 00-110

B. Seeks clarification that Maritel not subject to Federal 911 requirements.

III. Maritel Comments in 00-110- Maritel argued that FCC should preempt inconsistent state E911 requirements.

IV. MMSI Matters

- A. Maritel will soon be providing FCC with letter outlining MMSI assignment capabilities and request for permission to assign MMSI numbers.
- B. Maritel is prepared to sign MOU.
- C. Maritel seeks authority to assign MMSI numbers to compulsory vessels.
 - 1. Maritel should not be penalized for failures by other carriers in the past.
 - 2. Coast Guard generally supports Maritel's request.
 - 3. Maritel will be able to assign numbers more quickly than FCC.
 - 4. Maritel will provide updated database information as requested by FCC.
 - 5. Mariners will be better served by ability to secure MMSI numbers from Maritel.

V. Timing

- A. Actions which should be taken in Report and Order to be released immediately:
 - 1. FCC acknowledgement that Maritel has no liability for distress calls under WPCSA.
 - 2. FCC harmonization of rules regarding distress communications.
 - 3. FCC adoption of rules regarding automatic switching of distress calls.
 - 4. FCC adoption of rules referencing 12.5 kHz wide channels, data communications and related bandwidth and emission regulations.
 - 5. FCC adoption of rules as suggested by Maritel regarding unattended non-DSC operations.
 - 6. FCC amendment of regulations to allow Maritel and the Coast Guard to proceed with a Memorandum of Agreement regarding the use of non-offset channels by the Coast Guard.

B. The FCC should issue a Further Notice of Proposed Rule Making to consider the following issues:

1. The allocation of additional offset channels for maritime operations.
2. The relationship between Federal and state distress obligation.

C. The FCC may wish to issue a Second Report and Order later addressing these more contentious issues:

1. Requirement that Maritel maintain a safety watch on channel 16.
2. Requirement that Maritel provide station identification.
3. Requirement that Maritel seek permission to discontinue service.